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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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THE KING’S ENGLISH, INC., et al.,

Plaintiffs

vs.

MARK SHURTLEFF, In his official  
capacity as ATTORNEY GENERAL OF  
THE STATE OF UTAH, et al.,

Defendants.

MOTION TO DISMISS  
11 OF THE 14 PLAINTIFFS

Case No. 2:05CV00485

Judge Dee Benson

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Defendants move the Court for an order of dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure as to 11 of the 14 plaintiffs, based upon the fact that these 11 plaintiffs lack standing sufficient to meet the threshold requirements to both constitutional limitations on federal court jurisdiction and prudential limitations on the exercise of that jurisdiction, as more fully set forth in the accompanying Memorandum.

The 11 plaintiffs to be dismissed are: The King's English, Inc.; Sam Weller's Zion Bookstore; W. Andrew McCullough; The Sexual Health Network, Inc.; Utah Progressive Network Education Fund, Inc.; American Booksellers Foundation for Free Expression; American Civil Liberties Union of Utah; Association of American Publishers, Inc.; Comic Book Legal Defense Fund; Freedom to Read Foundation; and Publishers Marketing Association.

DATED this 23<sup>rd</sup> day of August, 2005

MARK L. SHURTLEFF  
Attorney General

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JERROLD S. JENSEN  
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing MOTION TO DISMISS  
11 OF THE 14 PLAINTIFFS was served by mailing the same, first class postage prepaid, to the  
following:

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Secretary